

Application No.: 10/577,916  
Attorney Docket No.: 062440  
Amendment under 37 CFR §1.111

**REMARKS**

Claims 1-6 are pending in the present application. Claims 1 and 2 are herein amended.  
No new matter has been entered.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by **Odier** (“Sol-gel synthesis and structural characterization of the perovskite type pseudo solid solution  $\text{LaNi}_{0.5}\text{Cu}_{0.5}\text{O}_3$ ”, J. Mater. Chem., 2002, 12, 1370-1373).

Favorable reconsideration is requested.

Claims 1 and 2 have been amended by removing Cu as an element included in M<sup>2</sup> of the formula  $\text{La}_v\text{M}^1_w\text{Ni}_x\text{M}^2_y\text{O}_z$ .

Applicant respectfully submits that Odier does not teach or suggest:

A complex oxide having a composition represented by the formula  $\text{La}_v\text{M}^1_w\text{Ni}_x\text{M}^2_y\text{O}_z$ ; wherein ... M2 is at least one element selected from the group consisting of Ti, V, Cr, Mn, Fe, and Co

as recited in amended claims 1 and 2.

Odier discloses the Sol-gel synthesis of a perovskite type pseudo solid solution  $\text{LaNi}_{0.5}\text{Cu}_{0.5}\text{O}_3$  and the characteristics of an oxide obtained thereby. Odier does not disclose a complex oxide represented by the general formula:  $\text{La}_v\text{M}^1_w\text{Ni}_x\text{M}^2_y\text{O}_z$  (M<sup>2</sup> is at least one element selected from the group consisting of Ti, V, Cr, Mn, Fe and Co) as recited in amended claims 1 and 2.

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For at least the foregoing reasons, claims 1 and 2 are patentable over the cited references, and claims 3-6 are patentable by virtue of their dependence from either claim 1 or 2. Accordingly, withdrawal of the rejections of claims 1-6 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
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